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IN THE

Supreme Court of the United States

October Term, 1964

No. 252

DAVE FLEISCHER, individually and as trustee and receiver in dissolution of FLEISCHER STUDIOS, INCORPORATED, a Florida corporation,

Petitioner,

against

A.A.P., INC., ASSOCIATED ARTISTS PRODUCTIONS, INC., U.M. & M. TV CORP., W.P.I.X., INC., PARAMOUNT PICTURES, INC., PARAMOUNT PICTURES CORPORATION, DUMONT BROADCASTING CORPORATION, FLAMINGO FILMS, INC., KING FEATURES SYNDICATE, INC., FLEISCHER STUDIOS, INCORPORATED, a New York corporation, MAX FLEISCHER, individually and as co-trustee of FLEISCHER STUDIOS, INCORPORATED, a Florida corporation,

Respondents.

BRIEF FOR RESPONDENT KING FEATURES SYNDICATE, INC. IN OPPOSITION

ALFRED H. WASSERSTROM,
Attorney for Respondent, King Features Syndicate, Inc.,
959 Eighth Avenue,
New York, N. Y. 10019

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BRIEF FOR RESPONDENT KING FEATURES SYNDICATE, INC. IN OPPOSITION

The respondent, King Features Syndicate, Inc., respectfully urges the denial in all respects of the petition of Dave Fleischer for a writ of certiorari to the United States Court of Appeals for the Second Circuit to review the judgment of the last-mentioned Court rendered herein on March 23, 1964. That judgment affirmed the decision of United States District Court for the Southern District of New York of September 12, 1963 wherein respondent's motion for summary judgment dismissing this action was granted (222 F. Supp. 40).

The attorney for respondent, King Features Syndicate, Inc., has read, and concurs in, the brief to be filed herein

for respondents, Paramount Pictures, Inc., Paramount Pictures Corporation and Flamingo Films, Inc., also in opposition to the instant petition. We support the position taken by those respondents. We submit that the brief of those respondents, particularly Point II thereof, contains so clear and cogent an analysis of the facts of, and the controlling law applicable to, this proceeding that it would seem needlessly repetitive to reargue the matter in a separate brief. Hence, we have not done so. Accordingly, we respectfully request that said brief of respondents, Paramount Pictures, Inc., Paramount Pictures Corporation and Flamingo Films, Inc., be deemed submitted and filed herein in behalf of respondent, King Features Syndicate, Inc.

We wish to make mention of but one specific facet of this case which touches directly said King Features Syndicate. It pertains to the claim of the petitioner that he invented and thus acquired certain rights to the cartoon character "Bluto". Quite apart from the factual issue of who invented that character, and respondent denies that petitioner was such inventor, whatever beneficial right or interest petitioner might conceivably have had in or to the character in question was, we submit, fully transferred to respondent, Paramount Pictures, Inc., under the contract of May 24, 1941 between Fleischer Studios, Incorporated, and the last-mentioned respondent.

By way of conclusion, we submit that the petition herein is completely lacking in merit and should, therefore, be denied.

Respectfully submitted,

ALFRED H. WASSERSTROM,
Attorney for Respondent, King Features Syndicate, Inc.,
959 Eighth Avenue,
New York, N. Y. 10019